

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

PROJECT ON PREDATORY STUDENT)	
LENDING OF THE LEGAL SERVICES)	
CENTER OF HARVARD LAW SCHOOL,)	
)	Civil Action No. 17-210-NBF
Plaintiff,)	
)	The Honorable Nora Barry Fischer
v.)	
)	
)	<i>(Electronic Filing)</i>
UNITED STATES DEPARTMENT OF)	
JUSTICE,)	
Defendant.)	

FIFTH POST-JUDGMENT STATUS REPORT

The parties respectfully submit the instant Fifth Post-Judgment Status Report, consistent with the Court’s Order dated November 14, 2018. Order, ECF No. 93.

On October 11, 2018, the parties filed their Third Post-Judgment Status Report, noting that, on October 4, 2018, Defendant, the Department of Justice (“DOJ”), had produced the remaining pages of the AI Dallas CD to Plaintiff, the Project on Predatory Student Lending (“Plaintiff”), consistent with the Court’s September 27, 2018 Order. Third Post-Judgment Status Report, ECF No. 87 (Oct. 11, 2018). The status report noted that the parties were in communication regarding the basis of certain redactions in the pages that were produced. *Id.* at 2. On October 12, 2018, the Court issued an order requiring the parties to file a follow-up Joint Status Report by November 13, 2018, “advising as to the status of outstanding matters including the redactions to the DOJ’s production.” Order, ECF No. 88.

On November 13, 2018, the parties filed a Fourth Post-Judgment Status Report, ECF No. 92, notifying the Court that new defense counsel had been substituted and that the parties remained in communication regarding the redactions to the AI Dallas records. In addition, the parties

requested the opportunity to file another status report within thirty days to update the Court regarding any issues related to those redactions. On November 14, 2018, the Court ordered the parties to file another Joint Status Report by December 13, 2018. Order, ECF No. 93. This report fulfills that obligation.

Defense counsel currently is in the process of reviewing the AI Dallas records that were originally produced to Plaintiff on October 4, 2018. Based on their initial review, defense counsel has determined that Defendant may be able to release to Plaintiff some of the information previously redacted from the AI Dallas records, consistent with the Court's July 9, 2018 Memorandum Order. Memorandum Opinion, ECF No. 80, at p. 37 ("[T]he DOJ may produce the documents containing the FERPA Confidential Material so long as the FERPA Confidential Material is redacted and otherwise complies with the FERPA Protective Order."). Following additional discussions between counsel, the parties have agreed that Defendant will review and reproduce the AI Dallas records to Plaintiff on a rolling basis, with the first set of documents to be produced on or before December 19, 2018. Additionally, to allow defense counsel sufficient time to review the documents, the parties request an additional 60 days, until February 11, 2019, to file another Status Report advising the Court as to the status of the production and any remaining issues related to these records.

Respectfully submitted,

/s/ Toby Merrill

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Dated: December 13, 2018